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REMARKS

By this Second Supplemental Amendment, claim 5 is canceled and claims 6 and 7 are amended. This was in response to the Notice of Non-Compliant Amendment dated April 6, 2005, which indicated that a withdrawn claim (claim 5) could not be dependent on a canceled claim (claim 2) despite that the withdrawn claim is not examined. Accordingly, this claim has been canceled as well.

In addition, withdrawn claims 6 and 7, which depended from claim 5, have been amended to depend from claims 1 and 6, respectively, also despite the fact that these will not be examined.

Lastly, previously added, new claims 33-44, added in the Amendment of March 20, 2005, and incorrectly, presumably entered in that amendment, are herein designated as "New." It is noted that these claims were previously designated "Previously Presented" in the First Supplemental Amendment filed April 13, 2005, to avoid having the amendment bounced back by the Legal Examining Division for non-payment of claim fees, since these claims were paid for in the March 20, 2005 Amendment. However, this strategy apparently backfired when the Examiner decided to bounce the First Supplemental Amendment for designating these claims "Previously Presented," when, they were in fact, "New," due to the March 20, 2005 Amendment being non-compliant.

However, to expedite prosecution, applicants have designated these claims as ("New") herein.

In addition, Applicants understand the guidelines in the MPEP regarding claim format, and recognize that the error was the fault of the Applicants. However, Applicants expained the reason for this claim identifier designation in the April 13, 2005 Supplemental Amendment. In addition, Applicants further note that, according to MPEP 714.03(c),

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An Examiner may treat an amendment not fully responsive to a non-final Office action by

- A. <u>accepting the amendment</u> as an adequate reply to the non-final Office action to avoid abandonment under 35 U.S.C. 133 and 27 CFR 1.13;
- B. notifying the applicant that the reply must be completed within the remaining period for reply to the non-final Office action...

The MPEP further indicates that the treatment to be given to the amendment depends upon "the nature of the deficiency" and continues by saying that

"where an amendment substantially responds to the rejections, objections, requirements in a non-final Office action (and is a bona fide attempt to advance the application to final action) but contains a minor deficiency (e.g. fails to treat every rejection, objection, or requirement), the examiner may simply act on the amendment and issue a new (non-final or final) Office action. The new Office action may simply reiterate the rejection, objection or requirement not addressed by the amendment...This course of action would not be inappropriate in instances in which an amendment contains a serious deficiency..." (emphasis supplied)

It is respectfully submitted that the supplemental amendments submitted in March and April 2005 were *bona fide* attempts to advance the application, and the deficiencies were of the minor nature indicated by the MPEP that could have been acted on by the Examiner.

However, to respond to the Notice, submitted herewith is a supplemental listing of the claims.

According to the Notice, only the "Amendments to the Claims" section is required to be submitted. Accordingly, please consider the remarks submitted with the March 20, 2005 Amendment.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully, submitted,

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